

UNITED STATES DISTRICT COURT

for the

Southern District of Alabama

United States of America)

v.)

Dominique Valentino Turner)

Case No: 1:05-CR-00105-001USM No: 09338-003Date of Previous Judgment: 06/14/2006)

Pro Se

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 138 months **is reduced to** 120 mos. on Ct. 2.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 37Amended Offense Level: 35Criminal History Category: IIICriminal History Category: IIIPrevious Guideline Range: 262 to 327 monthsAmended Guideline Range: 210 to 262 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

The court imposed a 138 mo. sentence on each of counts Two and Three after a motion for downward departure for substantial assistance was filed. This sentence was 47.5% off the low end of the Guideline range. A similar reduction off the new low end results in a sentence of 110 months; however, the mandatory minimum is 120 months, and the original substantial assistance motion was not made pursuant to 18 USC 3553(e).

III. ADDITIONAL COMMENTS

Therefore, a 120 month sentence is imposed on Count Two. Count Three was a money laundering charge, and not subject to a reduction. The sentence on Count Three thus remains 138 months.

Except as provided above, all provisions of the judgment dated 06/14/2006 shall remain in effect.

IT IS SO ORDERED.Order Date: 01/13/2008/s/ Callie V. S. Granade

Judge's signature

Effective Date: _____
(if different from order date)

Chief United States District Judge

Printed name and title